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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,779	12/08/2003	Kia Silverbrook	MTB14US	2363
24011 7590 10/04/2007 SILVERBROOK RESEARCH PTY LTD 393 DARLING STREET BALMAIN, 2041 AUSTRALIA			EXAMINER UHLENHAKE, JASON S	
			ART UNIT 2853	PAPER NUMBER
			MAIL DATE 10/04/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/728,779

Applicant(s)

SILVERBROOK, KIA

Examiner

Jason Uhlenhake

Art Unit

2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-25 and 27-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-25, 27-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/8/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/26/2007 has been entered.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8-11, 19 -25, 27-30, 38-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manaka (JP 62094347) in view of Silverbrook (U.S. Pat. 5,856,836) and Silverbrook (U.S. Pat. 5,796,416)

***Manaka discloses:***

- **regarding claims 1, 19, 38**, a substrate (figures 2-5) including a plurality of nozzles for supply with an ejectable liquid (second paragraph, page 7 of Manaka translation)
- a nozzle plate having a plurality of ink ejection openings defined therein, each opening corresponding to a respective nozzle, each nozzle having a respective nozzle chamber (Figure 2; Pages 8-9 of Manaka translation)
- a heater corresponding to each of the nozzles respectively, the heater having at least one heater element configured for thermal contact with a bubble forming liquid (Pages 8-9 of Manaka translation)
- drive circuits corresponding to each of the nozzles respectively for controlling the operation of the heater (24) (Page 19 of Manaka translation)
- at least one heater element (16) in the form of a suspended cantilever beam having an upper and a lower face in thermal contact with a bubble forming liquid, said beam being parallel with a plane of said nozzle plate (12) said beam being positioned between a liquid inlet and the opening of the nozzle chamber (Figures 2-5; Page 11 of the Manaka translation)
- **regarding claims 5, 24, 42**: wherein the bubble forming liquid and the ejectable liquid are of a common body of liquid (Pages 8-9 of Manaka translation)
- **regarding claims 11, 30, 47**, wherein each heater element has two opposite sides and is configured such that a said gas bubble formed by that heater element is formed at both of said sides of that heater element (Figure 4c; Page 11 of the Manaka translation)

- **regarding claim 23:** system configured to support the bubble forming liquid in thermal contact with each heater element, and to support the ejectable liquid adjacent each nozzle (Figures 2-5; Page 11 of the Manaka translation)
- **regarding claim 43:** method wherein the bubble forming liquid is fed to the at least one heater element so that it substantially surrounds the heater element (Figures 2-5; Page 11 of the Manaka translation)

***Manaka does not disclose expressly the following:***

- **regarding claims 1, 19, 38,** heating the heater element to a temperature above the boiling point of the bubble forming liquid forms a gas bubble that causes the ejection of a drop of the ejectable liquid from the nozzle; wherein during use
  - **regarding claims 2 - 4, 20 – 22, 39 – 41,** the nozzle density is greater than 10,000, 20,000 and 40,000 nozzles per square centimeter
  - **regarding claims 6, 25:** configured to print on a page and to be a page-width printhead
  - **regarding claims 8, 27, 44:** each heater element is configured such that an actuation energy of less than 500 nanojoules (nJ) is required to be applied to that heater element to heat that heater element sufficiently to form a said bubble in the bubble forming liquid causing the ejection of said drop
- **regarding claims 10, 29, 46:** printhead comprising a substrate having a substrate surface, wherein the area density of the nozzles relative to the substrate surface exceeds 10,000 nozzles per square cm of substrate surface

- **regarding claim 9, 28, 45:** configured to receive a supply of the ejectable liquid at an ambient temperature, where each heater element is configured such that the energy required to be applied thereto to heat said part to cause the ejection of a said drop is less than the energy required to heat a volume of said ejectable liquid equal to the volume of the said drop, from a temperature equal to said ambient temperature to said boiling point

***Silverbrook ('416) discloses:***

- **regarding claims 2 - 4, 20 - 22, 39 - 41,** the nozzle density is greater than 10,000, 20,000 and 40,000 nozzles per square centimeter (Column 5, Lines 39-41, Figure 8)

- **regarding claims 6, 25:** configured to print on a page and to be a page-width printhead (Column 22, Lines 51 - 67)

- **regarding claims 8, 27, 44:** each heater element is configured such that an actuation energy of less than 500 nanojoules (nJ) is required to be applied to that heater element to heat that heater element sufficiently to form a said bubble in the bubble forming liquid causing the ejection of said drop (Column 11, Lines 11 - 20)

- **regarding claims 10, 29, 46:** printhead comprising a substrate having a substrate surface, wherein the area density of the nozzles relative to the substrate surface exceeds 10,000 nozzles per square cm of substrate surface (Column 2 Lines 35-40, Column 6 Lines 30-35)

***Silverbrook ('836) discloses:***

- **regarding claims 1, 19, 38**, heating the heater element to a temperature above the boiling point of the bubble forming liquid forms a gas bubble that causes the ejection of a drop of the ejectable liquid from the nozzle; wherein during use (Column 14, Lines 11 – 19), for the purpose of ejecting the liquid/ink from the nozzles.

- **regarding claim 9, 28, 45**: configured to receive a supply of the ejectable liquid at an ambient temperature, where each heater element is configured such that the energy required to be applied thereto to heat said part to cause the ejection of a said drop is less than the energy required to heat a volume of said ejectable liquid equal to the volume of the said drop, from a temperature equal to said ambient temperature to said boiling point (Column 4, Lines 59 – 65), for the purpose of reducing power usage and improving reliability and durability of the heater elements

At the time the invention was made it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Silverbrook ('836), and Silverbrook ('416), into the device of Manaka for the purpose of reducing power usage and improving reliability and durability of the heater elements and allowing higher printing speed and a inkjet printing head that allows easy manufacturing and is especially appropriate for high-density multi-nozzle structures

Claims 12, 31, 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manaka (JP 62094347) as modified by Silverbrook (U.S. Pat. 5,856,836), and

Silverbrook (U.S. Pat. 5,796,416) as applied to claim 1 above, and further in view of Domoto et al (U.S. Pat. 4,580,149)

***Manaka as modified by Silverbrook ('836) and Silverbrook ('416) discloses all of the claimed limitations except for the following:***

- ***regarding claims 12, 31, 48***, wherein the bubble which each element is configured to form is collapsible and has a point of collapse, wherein each heater element is configured such that the point of collapse of a bubble formed thereby is spaced from that heater element.

***Domoto et al discloses the following:***

- ***regarding claims 12, 31, 48***, wherein the bubble which each element is configured to form is collapsible and has a point of collapse, wherein each heater element (44) is configured such that the point of collapse of a bubble formed thereby is spaced from that heater element (44). (Column 6 Lines 1- 10, 23 – 30)

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Domoto et al into the device of Manaka as modified by Silverbrook ('836) and Silverbrook ('416), for the purpose of reducing cavitation force that erodes the heating element.

Claims 13, 32, 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manaka (JP 62094347) as modified by Silverbrook (U.S. Pat. 5,856,836), and Silverbrook (U.S. Pat. 5,796,416) as applied to claim 1 above, and further in view of Chiou et al (U.S. Pat. 3,958,255).



***Manaka as modified by Silverbrook ('836) and Silverbrook ('416) discloses all of the claimed limitations except for the following:***

- ***regarding claims 13,32, 50***, comprising a structure that is formed by a chemical vapor deposition (CVD), the nozzles being incorporated on the structure.

***Chiou et al discloses the following:***

- ***regarding claims 13, 32, 50***, comprising a structure that is formed by a chemical vapor deposition (CVD), the nozzles being incorporated on the structure (Column 4, Lines 45 – 58).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Chiou et al into the device of Manaka as modified by Silverbrook ('836) and Silverbrook ('416), the purpose of making an ink jet nozzle structure having a closely spaced array of small orifices (Column 2, Lines 7-10), and using chemical vapor deposition, is well known in the art, and used to grow layers of advanced materials on the surface of a substrate (Column 4, Lines 49-58).

Claims 14, 33, 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manaka (JP 62094347) as modified by Silverbrook (U.S. Pat. 5,856,836), and Silverbrook (U.S. Pat. 5,796,416) as applied to claim 1 above, and further in view of Mizutani (JP 07101058).

***Manaka as modified by Silverbrook ('836) and Silverbrook ('416) discloses all of the claimed limitations except for the following:***

- **regarding claims 14, 33, 49**, comprising a structure which is less than 10 microns thick, the nozzles being incorporated on the structure

***Mizutani discloses the following:***

- **regarding claims 14, 33, 49**, comprising a structure which is less than 10 microns thick, the nozzles being incorporated on the structure (Basic-Abstract)

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Mizutani into the device of Manaka as modified by Silverbrook ('836) and Silverbrook ('416), for the purpose of providing stable printing.

Claims 15, 34, 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manaka (JP 62094347) as modified by Silverbrook (U.S. Pat. 5,856,836), and Silverbrook (U.S. Pat. 5,796,416) as applied to claim 1 above, and further in view of Komuro (U.S. Pat. 4,965,594)

***Manaka as modified by Silverbrook ('836) and Silverbrook ('416) discloses all of the claimed limitations except for the following:***

- **regarding claims 15, 34, 51**: printhead comprising a plurality of nozzle chambers each corresponding to a respective nozzle, and a plurality of said heater elements being disposed within each chamber, the heater elements within each chamber formed on different respective layers to one another

***Komuro discloses:***

- **regarding claims 15, 34, 51:** printhead comprising a plurality of nozzle chambers (formed between the orifices and heaters) each corresponding to a respective nozzle (orifices 2) (Column 4, Lines 27-29), and a plurality of said heater elements (11A, 21A and 31A) (Column 4, Lines 27-31) being disposed within each chamber, the heater elements within each chamber formed on different respective layers to one another (Figure 2; Column 7, Lines 33-36, Lines 59-61, Lines 65-68)

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Komuro into the device of Manaka as modified by Silverbrook ('836) and Silverbrook ('416), for the purpose of making gradation recording with constantly stable performance

Claims 16, 35, 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manaka (JP 62094347) as modified by Silverbrook (U.S. Pat. 5,856,836), and Silverbrook (U.S. Pat. 5,796,416) as applied to claim 1 above, and further in view of Scheu (U.S. Pat. 4,513,298)

***Manaka as modified by Silverbrook ('836) and Silverbrook ('416) discloses all of the claimed limitations except for the following:***

- **regarding claims 16, 35, 52,** wherein each heater element is formed of solid material more than 90% of which, by atomic proportion, is constituted by at least one periodic element having an atomic number below 50.

***Scheu discloses the following:***

- **regarding claims 16, 35, 52**, wherein each heater element is formed of solid material more than 90% of which, by atomic proportion, is constituted by at least one periodic element (phosphorus-diffused silicon) having an atomic number below 50.  
(Abstract)

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Scheu into the device of Manaka as modified by Silverbrook ('836) and Silverbrook ('416),, for the purpose of heating the heater element with less energy since it is made of a material with a lower mass.

Claims 17, 36, 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manaka (JP 62094347) as modified by Silverbrook (U.S. Pat. 5,856,836), and Silverbrook (U.S. Pat. 5,796,416) as applied to claim 1 above, and further in view of Cornell et al (U.S. Pat. 6,637,866).

***Manaka as modified by Silverbrook ('836) and Silverbrook ('416) discloses all of the claimed limitations except for the following:***

- **regarding claims 17, 36, 53**, each heater element includes solid material and is configured for a mass of less than 10 nanograms of the solid material of that heater element to be heated to a temperature above said boiling point to cause ejection of said drop.

***Cornell et al discloses the following:***

- **regarding claims 17, 36, 53**, each heater element includes solid material and is configured for a mass of less than 10 nanograms of the solid material of that

heater element (Figure 1 : (1)) to be heated to a temperature above said boiling point to cause ejection of said drop (Column 5, Lines 14 – 20)

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Cornell et al into the device of Manaka as modified by Silverbrook ('836) and Silverbrook ('416),, for the purpose of consuming less energy while using the heating element.

Claims 18, 37, 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manaka (JP 62094347) as modified by Silverbrook (U.S. Pat. 5,856,836), and Silverbrook (U.S. Pat. 5,796,416) as applied to claim 1 above, and further in view of Kubby (U.S. Pat. 5,706,041

***Manaka as modified by Silverbrook ('836) and Silverbrook ('416) discloses all of the claimed limitations except for the following:***

- ***regarding claims 18, 37, 54***, each heater element is substantially covered by a conformal protective coating, the coating of each heater element having been applied substantially to all sides of the heater element simultaneously such that the coating is seamless.

***Kubby discloses the following:***

- ***regarding claims 18, 37, 54***, each heater element is substantially covered by a conformal protective coating (Figure 3, element  $\text{Si}_3\text{N}_4$ ), the coating of each heater element having been applied substantially to all sides of the heater element simultaneously such that the coating is seamless. (Column 4, Lines 38-43)

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At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Kubby into the device of Manaka as modified by Silverbrook ('836) and Silverbrook ('416), for the purpose of vaporizing liquid ink, ejecting a sufficient amount of ink from the ejector, properly heating the ink, and protecting the heater

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-6, 8-25, and 27-54 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Uhlenhake whose telephone number is (571) 272-5916. The examiner can normally be reached on Monday - Friday 8-5.

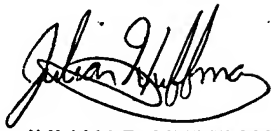
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JSU

September 18, 2007

  
JULIAN D. HUFFMAN  
PRIMARY EXAMINER  
9/30/07